

FEDERAL REGISTER

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Washington, Tuesday, October 10, 1939

Rules, Regulations, Orders

TITLE 7—AGRICULTURE FEDERAL CROP INSURANCE CORPORATION

[F.C.I.R., Series 1, No. 1, Sup. 11]

PART 401—WHEAT CROP INSURANCE REGULATIONS AMENDMENTS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended by Public Law No. 691 of the 75th Congress, approved June 22, 1938, Part 8 of the Regulations Relating to Wheat Crop Insurance, as amended,¹ is hereby further amended by the addition of the following section:

§ 401.84 *Adjustments in connection with indemnity payments.* Where an indemnity has been paid under the policy and an adjustment of such indemnity is made, such adjustment shall be made on the basis of the cash equivalent applicable to the indemnity paid, whether or not such indemnity was paid in wheat or in the cash equivalent thereof.

Adopted by the Board of Directors on September 26, 1939.

[SEAL]

R. M. EVANS,
Acting Chairman.

Approved, October 7, 1939.

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-3731; Filed, October 9, 1939; 12:13 p. m.]

FEDERAL SURPLUS COMMODITIES CORPORATION

AREAS IN WHICH SURPLUS COMMODITIES BULLETIN NO. 3 SHALL BE EFFECTIVE

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the

United States of America, the agricultural commodities or products designated as surplus food in Surplus Commodities Bulletin No. 3,¹ approved by the Secretary of Agriculture, September 25, 1939, are hereby declared surplus food on the effective dates set forth in such Bulletin in all areas heretofore designated by the Federal Surplus Commodities Corporation and published in 4 FEDERAL REGISTER 3575, 3690, as areas in which food order stamps may be used.

[SEAL]

MILO PERKINS,
President.

September 30, 1939.

[F. R. Doc. 39-3729; Filed, October 9, 1939; 12:13 p. m.]

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1939-22]

PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 22

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin, as amended,² is hereby further amended as follows:

(1) Paragraph (b) of Section 701.3, as amended, is amended by the addition of the following:

(7) The State acreage allotments of potatoes for each State in the commercial potato-producing area and the total acreage allotment for such area are as follows:

State and Potato Allotment in Acres

California, 39,665; Colorado, 84,143; Connecticut, 9,643; Georgia, 482; Idaho, 98,826; Indiana, 17,642; Kansas, 9,398; Kentucky, 6,050; Maine, 152,383; Maryland, 7,675; Massachusetts, 6,645; Michigan, 137,331; Minnesota, 173,825; Missouri, 6,912; Nebraska, 64,190; Nevada,

¹ 4 F.R. 4045 DI.

² 4 F.R. 4023 DI.

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987; New Hampshire, 2,149; New Jersey, 51,270; New York, 115,965; North Carolina, 33,900; North Dakota, 86,606; Ohio, 32,769; Oregon, 30,744; Pennsylvania, 78,481; Rhode Island, 2,909; South Carolina, 10,324; South Dakota, 12,882; Utah, 5,168; Vermont, 1,938; Virginia, 51,000; Washington, 25,186; Wisconsin, 111,234; Wyoming, 18,944; Total—1,487,266 acres.

(2) Paragraph (f) of Section 701.4 is amended by the addition of the following:

(1) The 1939 county acreage allotments of potatoes for counties in the commercial potato-producing area are as follows:

County and Potato Allotment in Acres

California. Contra Costa, 1,264; Kern, 16,775; Los Angeles, 1,912; Modoc, 2,201; Riverside, 2,665; San Bernardino, 1,258; San Joaquin, 9,270; Siskiyou, 4,320.

Colorado. Alamosa, 6,282; Conejos, 6,993; Costilla, 481; Delta, 577; Eagle, 1,405; Garfield, 3,272; La Plata, 519; Mesa, 1,345; Moffat, 372; Montezuma, 1,392; Montrose, 4,136; Morgan, 709; Pitkin, 951; Rio Grande, 22,795; Routt, 784; Saguache, 8,204; Sedgwick, 844; Teller, 1,060; Weld, 22,022.

Connecticut. Fairfield, 260; Hartford, 4,670; Litchfield, 180; Middlesex, 300; New Haven, 840; New London, 560; Tolland, 2,400; Windham, 433.

Georgia. Chatham, 482.

Idaho. Ada, 365; Bannock, 2,762; Bingham, 15,160; Bonneville, 16,028; Canyon, 4,802; Cassia, 9,300; Elmore, 296; Franklin, 217; Fremont, 5,929; Gem, 126; Gooding, 2,961; Jefferson, 6,163; Jerome, 5,185; Lemhi, 289; Lincoln, 837; Madison, 5,369; Minidoka, 5,418; Owyhee, 1,202; Payette, 170; Power, 400; Teton, 993; Twin Falls, 14,082; Valley, 500; Washington, 272.

Indiana. Allen, 824; Clark, 378; De Kalb, 2,063; Elkhart, 1,072; Floyd, 1,136; Fulton, 656; Harrison, 746; Kosciusko, 1,492; LaGrange, 483; Lake, 496; La Porte, 1,076; Marshall, 541; Noble, 1,029; Porter, 463; St. Joseph, 1,359; Starke, 1,442; Steuben, 1,839; Whitley, 547.

Kansas. Douglas, 3,167; Jefferson, 1,200; Johnson, 1,180; Leavenworth, 806; Shawnee, 1,311; Wyandotte, 1,734.

Kentucky. Jefferson, 5,541; Oldham, 509.

Maine. Androscoggin, 423; Aroostook, 135,691; Cumberland, 370; Franklin, 43; Hancock, 95; Kennebec, 400; Knox, 32; Oxford, 275; Penobscot, 8,158; Piscataquis, 3,050; Sagadahoc, 85; Somerset, 1,341; Waldo, 1,756; Washington, 530; York, 134.

Maryland. Somerset, 1,738; Worcester, 5,937.

Massachusetts. Berkshire, 103; Bristol, 1,340; Essex, 334; Franklin, 1,103; Hampden, 885; Hampshire, 1,895; Middlesex, 570; Norfolk, 52; Plymouth, 302; Worcester, 61.

Michigan. Allegan, 847; Alpena, 2,072; Antrim, 3,492; Barry, 487; Bay,

3,037; Benzie, 272; Berrien, 1,055; Branch, 1,109; Calhoun, 513; Cass, 1,011; Charlevoix, 1,371; Cheboygan, 1,132; Chippewa, 432; Delta, 1,349; Dickinson, 324; Emmet, 1,990; Genesee, 1,794; Gladwin, 279; Grand Traverse, 4,206; Hillsdale, 487; Houghton, 1,145; Huron, 1,057; Ingham, 343; Ionia, 1,773; Iosco, 308; Isabella, 2,587; Jackson, 1,262; Kalamazoo, 1,018; Kalkaska, 2,095; Kent, 6,048; Lake, 769; Lapeer, 8,329; Leelanau, 3,921; Lenawee, 1,019; Livingston, 889; Macomb, 2,875; Manistee, 979; Marquette, 739; Mason, 1,267; Mecosta, 5,605; Menominee, 2,814; Midland, 368; Missaukee, 4,413; Monroe, 2,017; Montcalm, 14,682; Montgomery, 356; Muskegon, 428; Newaygo, 798; Oakland, 8,351; Oceana, 1,879; Ogemaw, 766; Osceola, 5,229; Otsego, 3,276; Otawa, 819; Presque Isle, 4,973; Saginaw, 1,731; St. Clair, 990; St. Joseph, 354; Sanilac, 906; Schoolcraft, 520; Shiawassee, 361; Tuscola, 5,457; Van Buren, 1,396; Washtenaw, 493; Wayne, 508; Wexford, 2,159.

Minnesota. Aitkin, 1,244; Anoka, 4,108; Becker, 6,229; Beltrami, 2,383; Benton, 2,745; Carlton, 2,845; Cass, 1,056; Chisago, 4,925; Clay, 29,127; Clearwater, 1,078; Crow Wing, 514; Dakota, 3,195; Douglas, 1,442; Freeborn, 8,134; Hennepin, 8,607; Hubbard, 764; Isanti, 15,219; Itasca, 1,652; Kanabec, 2,268; Kittson, 7,941; Mahanomen, 1,171; Marshall, 2,949; Mille Lacs, 2,556; Morrison, 4,547; Mower, 544; Norman, 12,909; Ottertail, 6,250; Pennington, 486; Pine, 2,948; Polk, 17,609; Ramsey, 245; Red Lake, 434; Roseau, 573; St. Louis, 1,776; Sherburne, 2,212; Stearns, 1,278; Todd, 1,514; Wadena, 1,237; Washington, 1,956; Wilkin, 4,358; Winona, 401; Wright, 396.

Missouri. Clay, 875; Jackson, 1,402; Ray, 3,276; St. Louis, 1,359.

Nebraska. Banner, 2,653; Box Butte, 14,797; Buffalo, 2,653; Cheyenne, 1,531; Dakota, 714; Dawes, 2,551; Kimball, 7,144; Morrill, 2,041; Scotts Bluff, 21,227; Sheridan, 3,470; Sioux, 5,409.

Nevada. Lyon, 635; Washoe, 352.

New Hampshire. Belknap, 102; Carroll, 69; Cheshire, 219; Coos, 588; Grafton, 204; Hillsboro, 165; Merrimack, 208; Rockingham, 433; Strafford, 109; Sullivan, 52.

New Jersey. Atlantic, 495; Bergen, 18; Burlington, 3,574; Camden, 803; Cape May, 560; Cumberland, 3,068; Gloucester, 1,747; Hunterdon, 117; Mercer, 9,122; Middlesex, 10,225; Monmouth, 16,412; Morris, 50; Ocean, 150; Passaic, 18; Salem, 4,452; Somerset, 18; Sussex, 80; Warren, 361.

New York. Albany, 24; Allegany, 3,440; Broome, 315; Cattaraugus, 871; Cayuga, 1,364; Chautauqua, 502; Chemung, 632; Chenango, 194; Clinton, 2,387; Columbia, 60; Cortland, 1,231; Delaware, 37; Dutchess, 131; Erie, 4,230; Essex, 183; Franklin, 2,261; Fulton, 50; Genesee, 4,871; Greene, 59; Herkimer, 199; Jefferson, 391; Lewis, 29; Livingston, 2,841; Madison, 804; Monroe, 5,113;

Montgomery, 5; Nassau, 11,165; Niagara 225; Oneida, 1,298; Onondaga, 3,990; Ontario, 3,194; Orange, 574; Orleans, 1,390; Oswego, 872; Otsego, 420; Putnam, 12; Rensselaer, 1,048; St. Lawrence, 114; Saratoga, 112; Schenectady, 36; Schoharie, 96; Schuyler, 351; Seneca, 572; Steuben, 12,542; Suffolk, 36,685; Sullivan, 43; Tioga, 364; Tompkins, 686; Ulster, 280; Warren, 5; Washington, 1,601; Wayne, 1,646; Westchester, 28; Wyoming, 4,080; Yates, 312.

North Carolina. Beaufort, 7,341; Camden, 3,411; Carteret, 1,220; Columbus, 203; Craven, 350; Currituck, 2,127; Duplin, 1,885; Edgecombe, 236; Martin, 296; Pamlico, 5,787; Pasquotank, 3,672; Pitt, 1,391; Sampson, 370; Tyrrell, 2,864; Washington, 562; Wayne, 2,185.

North Dakota. Barnes, 739; Benson, 706; Cass, 7,433; Cavalier, 1,144; Foster, 603; Grand Forks, 15,694; Pembina, 18,719; Richland, 1,685; Steele, 1,474; Traill, 6,699; Walsh, 31,710.

Ohio. Allen, 285; Ashland, 260; Ash-tabula, 1,852; Auglaize, 428; Clark, 604; Columbiana, 1,648; Cuyahoga, 693; Darke, 282; Erie, 1,157; Fulton, 1,062; Geauga, 1,898; Hamilton, 536; Hardin, 2,219; Huron, 736; Lake, 476; Lorain, 1,754; Lucas, 1,586; Mahoning, 1,304; Medina, 1,554; Miami, 526; Morrow, 454; Portage, 2,740; Richland, 634; Sandusky, 825; Seneca, 850; Stark, 1,202; Summit, 747; Trumbull, 1,506; Wayne, 2,951.

Oregon. Baker, 645; Clackamas, 2,959; Columbia, 770; Crook, 1,807; Deschutes, 2,284; Hood River, 287; Klamath, 10,634; Lane, 810; Linn, 576; Malheur, 2,339; Marion, 1,059; Multnomah, 2,026; Umatilla, 1,317; Union, 284; Washington, 2,229; Yamhill, 718.

Pennsylvania. Adams, 233; Allegheny, 157; Armstrong, 383; Beaver, 168; Bedford, 250; Berks, 3,073; Blair, 249; Bradford, 267; Bucks, 1,049; Butler, 1,297; Cambria, 3,129; Cameron, 3; Carbon, 1,492; Centre, 507; Chester, 1,570; Clarion, 236; Clearfield, 584; Clinton, 449; Columbia, 2,697; Crawford, 1,826; Cumberland, 734; Dauphin, 545; Delaware, 299; Elk, 175; Erie, 3,646; Fayette, 234; Forest, 46; Franklin, 320; Fulton, 14; Huntingdon, 127; Indiana, 1,070; Jefferson, 839; Juniata, 164; Lackawanna, 662; Lancaster, 5,289; Lawrence, 474; Lebanon, 1,325; Lehigh, 11,614; Luzerne, 2,394; Lycoming, 892; McKean, 51; Mercer, 2,101; Mifflin, 90; Monroe, 554; Montgomery, 463; Montour, 106; Northampton, 3,213; Northumberland, 1,254; Perry, 270; Philadelphia, 48; Pike, 15; Potter, 2,730; Schuylkill, 4,158; Snyder, 313; Somerset, 6,093; Sullivan, 61; Susquehanna, 168; Tioga, 520; Union, 484; Venango, 385; Warren, 232; Washington, 28; Wayne, 43; Westmoreland, 359; Wyoming, 351; York, 3,909.

Rhode Island. Bristol, 166; Kent, 36; Newport, 1,177; Providence, 105; Washington, 1,425.

South Carolina. Beaufort, 1,901; Charleston, 6,108; Colleton, 633; Hamp-

ton, 500; Horry, 442; Jasper, 288; Orangeburg, 452.

South Dakota. Brookings, 2,050; Cod-ington, 3,572; Deuel, 3,535; Hamlin, 2,441.

Utah. Box Elder, 830; Cache, 546; Davis, 600; Millard, 515; Morgan, 241; Piute, 758; Utah, 451; Weber, 1,227.

Vermont. Addison, 29; Bennington, 59; Caledonia, 150; Chittenden, 240; Essex, 105; Franklin, 175; Grand Isle, 10; Lamoille, 91; Orange, 175; Orleans, 299; Rutland, 250; Washington, 141; Windham, 134; Windsor, 80.

Virginia. Accomac, 21,600; Elizabeth City, 67; Gloucester, 317; Isle of Wight, 93; James City, 694; Mathews, 316; Middlesex, 237; Nansemond, 2,720; Norfolk, 2,250; Northampton, 17,100; Princess Anne, 4,850; Warwick, 15; York, 394.

Washington. Benton, 2,387; Clark, 1,230; Kittitas, 6,341; Snohomish, 880; Spokane, 3,716; Yakima, 10,632.

Wisconsin. Adams, 1,367; Barron, 2,858; Brown, 1,134; Burnett, 884; Chippewa, 2,549; Columbia, 1,915; Dane, 497; Dodge, 1,448; Door, 867; Dunn, 522; Eau Claire, 300; Florence, 354; Fond du Lac, 1,039; Forest, 1,499; Grant, 565; Green Lake, 286; Jackson, 480; Juneau, 1,327; Kenosha, 553; Kewaunee, 243; Langlade, 10,834; Lincoln, 520; Manitowoc, 319; Marathon, 8,077; Marinette, 5,463; Marquette, 1,429; Milwaukee, 1,363; Oconto, 2,097; Oneida, 3,028; Outagamie, 495; Ozaukee, 697; Polk, 351; Portage, 23,912; Price, 752; Racine, 1,365; Rusk, 625; Sauk, 597; Sawyer, 653; Shawano, 1,204; Sheboygan, 334; Taylor, 314; Washburn, 438; Washington, 2,227; Waukesha, 1,715; Waupaca, 11,380; Waushara, 9,782; Winnebago, 323; Wood, 253.

Wyoming. Goshen, 7,795; Laramie, 8,653; Park, 2,496.

(3) Subparagraph (4) of paragraph (a) of Section 701.6 is amended by the addition of the following:

The 1939 county average yields of potatoes for counties in the commercial potato-producing area are as follows:

County and Average Yield of Potatoes (bushels per acre)

California. Contra Costa, 227; Kern, 372; Los Angeles, 196; Modoc, 228; Riverside, 220; San Bernardino, 190; San Joaquin, 295; Siskiyou, 308.

Colorado. Alamosa, 167; Conejos, 147; Costilla, 154; Delta, 171; Eagle, 219; Garfield, 197; La Plata, 162; Mesa, 180; Moffat, 91; Montezuma, 112; Montrose, 190; Morgan, 190; Pitkin, 217; Rio Grande, 203; Routt, 117; Saguache, 157; Sedgwick, 157; Teller, 114; Weld, 180.

Connecticut. Fairfield, 215; Hartford, 279; Litchfield, 220; Middlesex, 220; New Haven, 210; New London, 210; Tolland, 279; Windham, 242.

Georgia. Chatham, 185.

Idaho. Ada, 240; Bannock, 201; Bing-ham, 251; Bonneville, 253; Canyon, 252; Cassia, 245; Elmore, 200; Franklin, 240; Fremont, 198; Gem, 200; Gooding, 217;

Jefferson, 208; Jerome, 245; Lemhi, 230; Lincoln, 204; Madison, 209; Minidoka, 220; Owyhee, 252; Payette, 257; Power, 200; Teton, 140; Twin Falls, 245; Valley, 188; Washington, 257.

Indiana. Allen, 120; Clark, 98; De Kalb, 125; Elkhart, 127; Floyd, 99; Ful-ton, 159; Harrison, 102; Kosciusko, 174; LaGrange, 101; Lake, 103; La Port, 113; Marshall, 124; Noble, 127; Porter, 113; St. Joseph, 121; Starke, 121; Steuben, 107; Whitley, 131.

Kansas. Douglas, 119; Jefferson, 110; Johnson, 107; Leavenworth, 110; Shaw-nee, 117; Wyandotte, 112.

Kentucky. Jefferson, 114; Oldham, 118.

Maine. Androscoggin, 240.3; Aroos-took, 305; Cumberland, 222; Franklin, 205; Hancock, 236.8; Kennebec, 233.6; Knox, 208.6; Oxford, 235.3; Penobscot, 276.0; Piscataquis, 262.2; Sagadahoc, 240.3; Somerset, 251.2; Waldo, 264.3; Washington, 260; York, 190.8.

Maryland. Somerset, 149; Worces-ter, 140.

Massachusetts. Berkshire, 198; Bris-tol, 225; Essex, 197; Franklin, 222; Hampden, 252; Hampshire, 237; Mid-dlesex, 244; Norfolk, 208; Plymouth, 201; Worcester, 219.

Michigan. Allegan, 126; Alpena, 116; Antrim, 120; Barry, 115; Bay, 110; Ben-zie, 115; Berrien, 125; Branch, 112; Cal-houn, 113; Cass, 110; Charlevoix, 120; Cheboygan, 118; Chippewa, 136; Delta, 132; Dickinson, 104; Emmet, 140; Gen-ee-se, 122; Gladwin, 125; Grand Traverse, 107; Hillsdale, 112; Houghton, 140; Huron, 120; Ingham, 105; Ionia, 119; Iosco, 115; Isabella, 117; Jackson, 107; Kalamazoo, 126; Kalkaska, 106; Kent, 117; Lake, 112; Lapeer, 113; Leelanau, 109; Lenawee, 132; Livingston, 108; Macomb, 124; Manistee, 120; Marquette, 140; Mason, 125; Mecosta, 117; Menom-inee, 127; Midland, 108; Missaukee, 110; Monroe, 124; Montcalm, 118; Mont-morency, 118; Muskegon, 110; Newaygo, 117; Oakland, 101; Oceana, 112; Oge-maw, 127; Osceola, 118; Otsego, 105; Ottawa, 121; Presque Isle, 113; Saginaw, 122; Saint Clair, 130; St. Joseph, 115; Sanilac, 112; Schoolcraft, 116; Shiawas-see, 118; Tuscola, 114; Van Buren, 128; Washtenaw, 104; Wayne, 108; Wexford, 111.

Minnesota. Aitkin, 102; Anoka, 85; Becker, 78; Beltrami, 120; Benton, 85; Carlton, 108; Cass, 108; Chisago, 86; Clay, 80; Clearwater, 100; Crow Wing, 100; Dakota, 100; Douglas, 86; Freeborn, 136; Hennepin, 103; Hubbard, 87; Isanti, 85; Itasca, 121; Kanabec, 85; Kittson, 89; Mahanomen, 81; Marshall, 92; Mille Lacs, 91; Morrison, 87; Mower, 88; Nor-man, 80; Ottertail, 88; Pennington, 89; Pine, 100; Polk, West 89; Polk, East 84; Ramsey, 98; Red Lake, 89; Roseau, 99; St. Louis, South 127; St. Louis, North 123; Sherburne, 80; Stearns, 89; Todd, 86; Wadena, 86; Washington, 93; Wil-kin, 78; Winona, 100; Wright, 82.

Missouri. Clay, 91; Jackson, 102; Ray, 107; St. Louis, 110.

Nebraska. Banner, 60; Box Butte, 70; Buffalo, 225; Cheyenne, 63; Dakota, 68; Dawes, 60; Kimball, 65; Morrill, 122; Scotts Bluff, 170; Sheridan, 58; Sioux, 120.

Nevada. Lyon, 183; Washoe, 178.

New Hampshire. Belknap, 229; Carroll, 266; Cheshire, 294; Coos, 297; Grafton, 246; Hillsboro, 225; Merrimack, 240; Rockingham, 217; Strafford, 210; Sullivan, 255.

New Jersey. Atlantic, 160; Bergen, 200; Burlington, 190; Camden, 190; Cape May, 160; Cumberland, 202; Gloucester, 190; Hunterdon, 190; Mercer, 202; Middlesex, 202; Monmouth, 202; Morris, 190; Ocean, 190; Passaic, 200; Salem, 202; Somerset, 185; Sussex, 180; Warren, 190.

New York. Albany, 176; Allegany, 145; Broome, 155; Cattaraugus, 140; Cayuga, 166; Chautauqua, 153; Chemung, 136; Chenango, 170; Clinton, 190; Columbia, 151; Cortland, 184; Delaware, 141; Dutchess, 153; Erie, 140; Essex, 190; Franklin, 190; Fulton, 126; Genesee, 158; Greene, 146; Herkimer, 178; Jefferson, 147; Lewis, 141; Livingston, 153; Madison, 166; Monroe, 165; Montgomery, 185; Nassau, 245; Niagara, 147; Oneida, 196; Onondaga, 172; Ontario, 160; Orange, 202; Orleans, 220; Oswego, 172; Otsego, 136; Putnam, 185; Rensselaer, 150; St. Lawrence, 141; Saratoga, 153; Schenectady, 172; Schoharie, 135; Schuyler, 135; Seneca, 135; Steuben, 140; Suffolk, 220; Sullivan, 135; Tioga, 153; Tompkins, 160; Ulster, 176; Warren, 185; Washington, 150; Wayne, 175; Westchester, 185; Wyoming, 150; Yates, 135.

North Carolina. Beaufort, 155; Camden, 140; Carteret, 170; Columbus, 135; Craven, 165; Currituck, 140; Duplin, 150; Edgecombe, 135; Martin, 140; Pamlico, 170; Pasquotank, 145; Pitt, 150; Sampson, 135; Tyrrell, 145; Washington, 145; Wayne, 150.

North Dakota. Barnes, 77; Benson, 85; Cass, 83; Cavalier, 77; Foster, 79; Grand Forks, 85; Pembina, 95; Richland, 72; Steele, 83; Traill, 85; Walsh, 92.

Ohio. Allen, 100; Ashland, 147; Ash-tabula, 147; Auglaize, 130; Clark, 103; Columbiana, 178; Cuyahoga, 158; Darke, 113; Erie, 119; Fulton, 152; Geauga, 151; Hamilton, 132; Hardin, 115; Huron, 122; Lake, 153; Lorain, 146; Lucas, 143; Mahoning, 170; Medina, 148; Miami, 117; Morrow, 152; Portage, 152; Richland, 151; Sandusky, 121; Seneca, 121; Stark, 148; Summit, 153; Trumbull, 148; Wayne, 148.

Oregon. Baker, 146; Clackamas, 120; Columbia, 178; Crook, 267; Deschutes, 184; Hood River, 178; Klamath, 265; Lane, 155; Linn, 137; Malheur, 231; Marion, 117; Multnomah, 155; Umatilla, 121; Union, 121; Washington, 160; Yamhill, 165.

Pennsylvania. Adams, 190; Allegheny, 175; Armstrong, 195; Beaver, 175; Bed-

ford, 185; Berks, 180; Blair, 198; Bradford, 207; Bucks, 195; Butler, 192; Cambria, 202; Cameron, 175; Carbon, 190; Centre, 201; Chester, 195; Clarion, 197; Clearfield, 180; Clinton, 185; Columbia, 208; Crawford, 192; Cumberland, 195; Dauphin, 200; Delaware, 183; Elk, 193; Erie, 185; Fayette, 191; Forest, 191; Franklin, 209; Fulton, 200; Huntingdon, 185; Indiana, 193; Jefferson, 179; Juniata, 180; Lackawanna, 182; Lancaster, 200; Lawrence, 199; Lebanon, 193; Lehigh, 204; Luzerne, 199; Lycoming, 190; McKean, 180; Mercer, 180; Mifflin, 185; Monroe, 195; Montgomery, 198; Montour, 182; Northampton, 212; Northumberland, 175; Perry, 192; Philadelphia, 165; Pike, 232; Potter, 195; Schuylkill, 182; Snyder, 170; Somerset, 209; Sullivan, 190; Susquehanna, 165; Tioga, 171; Union, 194; Venango, 187; Warren, 193; Washington, 199; Wayne, 205; Westmoreland, 194; Wyoming, 192; York, 180.

Rhode Island. Bristol, 200; Kent, 160; Newport, 257; Providence, 160; Washington, 300.

South Carolina. Beaufort, 189; Charleston, 161; Colleton, 137; Hampton, 145; Horry, 143; Jasper, 154; Orangeburg, 127.

South Dakota. Brookings, 79; Codington, 89; Deuel, 95; Hamlin, 87.

Utah. Box Elder, 218; Cache, 204; Davis, 232; Millard, 196; Morgan, 215; Piute, 195; Utah, 223; Weber, 224.

Vermont. Addison, 221; Bennington, 211; Caledonia, 293; Chittenden, 222; Essex, 288; Franklin, 223; Grand Isle, 200; Lamoille, 270; Orange, 255; Orleans, 260; Rutland, 219; Washington, 283; Windham, 310; Windsor, 222.

Virginia. Accomac, 140; Elizabeth City, 115; Gloucester, 150; Isle of Wight, 125; James City, 125; Mathews, 150; Middlesex, 150; Nansemond, 145; Norfolk, 140; Northampton, 150; Princess Anne, 140; Warwick, 130; York, 130.

Washington. Benton, 179; Clark, 150; Kittitas, 320; Snohomish, 225; Spokane, 80; Yakima, 292.

Wisconsin. Adams, 66; Barron, 97; Brown, 112; Burnett, 90; Chippewa, 102; Columbia, 95; Dane, 110; Dodge, 125; Door, 117; Dunn, 104; Eau Claire, 105; Florence, 106; Fond du Lac, 116; Forest, 92; Grant, 112; Green Lake, 87; Jackson, 92; Juneau, 102; Kenosha, 109; Kewaunee, 124; Langlade, 109; Lincoln, 104; Manitowoc, 128; Marathon, 92; Marinette, 99; Marquette, 72; Milwaukee, 101; Oconto, 106; Oneida, 84; Outagamie, 106; Ozaukee, 102; Polk, 94; Portage, 79; Price, 95; Racine, 115; Rusk, 104; Sauk, 122; Sawyer, 86; Shawano, 104; Sheboygan, 119; Taylor, 102; Washburn, 85; Washington, 123; Waukesha, 96; Waupaca, 96; Waushara, 69; Winnebago, 104; Wood, 92.

Wyoming. Goshen, 115; Laramie, 53; Park, 169.

Done at Washington, D. C., this 7th day of October 1939. Witness my hand

and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-3720; Filed, October 7, 1939; 12:16 p. m.]

AGRICULTURAL MARKETING SERVICE

PART 60—AMENDMENT TO THE REGULATIONS GOVERNING THE INSPECTION AND CERTIFI- CATION OF RICE WITH RESPECT TO EQUAL- TO-TYPE CERTIFICATES

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress entitled, "An Act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes," approved June 30, 1939 (Public No. 159—76th Congress), I, H. A. Wallace, Secretary of Agriculture, do hereby make, prescribe, publish and give public notice of the following amendment to the regulations governing the inspection and certification of rice, as heretofore promulgated, to become effective October 1, 1939, and to continue in force and effect so long as Congress shall provide the necessary authority therefor, unless amended or superseded by regulations hereafter prescribed and promulgated under such authority.

Strike out Section 60.22 (Reg. 3, Sec. 19) and insert in lieu thereof the following:

§ 60.22 *Equal-to-type certificate.* Upon application of an interested party and upon compliance with the provisions of sections 60.4–60.28, (Reg. 3), a rice inspection certificate may be issued by an inspector to state that the quality of a lot or a sample of rice is "equal to or better than" the quality of a type which has previously been placed on file and definitely identified in the office of the inspector, provided such inspection and certification meet the conditions set forth in either paragraphs (a) (1, 2, 3 and 4), (b), or (c) of this section.

(a)–1. The lot or sample to be certificated shall be equal to, or better than, the quality of the type according to all class, quality, and condition factors of the official rice standards of the United States, with the exception of moisture.

(a)–2. At the time of filing the type with the inspector, the depositor shall specify and file in writing with the inspector a statement of the maximum moisture content of any rice which he proposes to have inspected or to deliver against such type.

(a)–3. When the statement of moisture content filed by the depositor with the type specifies a maximum moisture content of 15 percent or less and when the lot or sample to be delivered or in-

spected against the type contains no more moisture than the maximum percentage so specified, the factor of moisture may be disregarded in making the certification.

(a)-4. When the statement of moisture content filed by the depositor with the type specifies a maximum moisture content in excess of 15 percent and when the lot or sample to be delivered or inspected against the type contains no more moisture than the maximum percentage so specified, the certificate shall clearly state the maximum percentage of moisture specified by the depositor also the actual moisture content of the lot or sample covered by the certificate.

(b) An equal-to-type certificate also may be issued to show that rice is "equal to or better than" a properly identified type according to one or more of the class, quality, and condition factors of the official rice standards of the United States or according to other authorized quality tests, provided the certificate clearly states the factors or tests used in making the inspection.

(c) An equal-to-type certificate also may be issued to show that rice is "equal to or better than" a properly identified type according to all of the class, quality, and condition factors of the official rice standards of the United States except for one or more such factors, provided the certificate clearly states the factors excepted in making the inspection.

All certificates issued under the provisions of this section shall clearly state the identity of the type.

In case any inspector finds that a lot or sample of rice offered for inspection under this section fails to meet the above requirements, the certificate issued pursuant to such inspection shall state that the rice is "not equal to type."

Done at Washington, D. C., this 7th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-3730; Filed, October 9, 1939; 12:13 p. m.]

TITLE 14—CIVIL AVIATION

CIVIL AERONAUTICS AUTHORITY

SECTION 280.1—REPORTS OF OWNERSHIP OF STOCK AND OTHER INTERESTS BY OFFICERS AND DIRECTORS OF AIR CARRIERS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 3rd day of October, 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 407 (c) thereof, and finding that its

action is desirable in the public interest and is necessary and appropriate to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

Reports describing the shares of stock and other interests held by officers and directors of air carriers required to be transmitted to the Authority pursuant to section 407 (c) of the Act shall be prepared and transmitted in accordance with the instructions in "C. A. A. Form No. ER-1," and shall contain the information called for in said form. Said form and the instructions and other matter contained therein are hereby adopted by the Authority for such purpose. This regulation shall become effective immediately.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

[C. A. A. Form No. ER-1, Adopted October 3, 1939.]

REPORT OF OWNERSHIP OF STOCK AND OTHER INTERESTS REQUIRED BY SECTION 407 (c) OF THE ACT

INSTRUCTIONS

A. Section 407 (c) of the Civil Aeronautics Act of 1938 provides as follows:

"Each officer and director of an air carrier shall annually and at such other times as the Authority shall require transmit to the Authority a report describing the shares of stock or other interests held by him in any air carrier, any person engaged in any phase of aeronautics, or any common carrier, and in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, air carriers, other persons engaged in any phase of aeronautics, or common carriers."

B. Reports shall be filed annually on or before March 1st of each year, and shall be transmitted by each individual who was at any time during the preceding calendar year and at the time of making the report an officer or director of any air carrier. Such reports shall cover stocks and other interests held by such individuals at any time during the preceding calendar year in the persons mentioned in section 407 (c) of the Act, but need not cover any portion of said preceding calendar year covered by the reporting individual in any previous report filed pursuant to paragraph D hereof. However, the initial report filed on or before March 1, 1940, shall be transmitted by each individual who was at any time during the period from August 22, 1938 to December 31, 1939, inclusive, and at the time of making the report, an officer or director of any air carrier. Such initial report shall cover stocks and other interests held by such individuals at any time during the period from August 22, 1938 to December 31, 1939, inclusive, in the persons mentioned in section 407 (c) of the Act.

C. From and after January 1, 1940, each individual who is appointed or elected to the position of officer or director of any air carrier, and who has not transmitted to the Authority a report covering the preceding calendar year, shall transmit to the Authority, within 30 days after such appointment or election, a report covering the stocks and other interests held by him in the persons mentioned in section 407 (c) of the Act at any time from the beginning of the preceding calendar year to and including the date of the report. However, such report need not cover any portion of the preceding cal-

endar year as may have been covered by the reporting individual in any previous report filed pursuant to this paragraph.

D. Upon good cause shown, the Authority may grant an extension of time for the filing of any report required to be filed hereunder.

E. Each report shall be prepared in triplicate. Two copies, which shall be properly executed and verified in accordance with the attached form of oath, shall be transmitted to the Bureau of Economic Regulation, Civil Aeronautics Authority, Washington, D. C. The third copy should be retained by the reporting individual for further reference in connection with correspondence with the Authority relating thereto.

F. Reports should be prepared on strong, durable paper 8½" by 10" in size, except that schedules may be larger but folded to that size.

G. The cover page of each report shall be in the form attached, designated "Form of cover page."

H. Insofar as practicable, reports should be typewritten, but if pen and ink are used, the ink should be black and of durable quality. All reports must be plainly legible.

I. The information called for by each item should be fully and accurately reported. Each response shall bear the same numerical or alphabetical designation as the item calling for the information. Comprehensive but succinct statements of the reporting individual's reasons for not fully reporting any information called for should be given. When the response to a particular item is "none," or where the item is not applicable, that fact should be so stated.

J. The reporting individual shall report direct and indirect interests, beneficial and non-beneficial interests, including interests (1) beneficially owned by him and held for him by any other person either in a "street name," or as trustee, or in any other capacity (2) beneficially owned by any other person and held by the reporting individual either as trustee, nominee, or in any other capacity (3) beneficially owned by the reporting individual and other persons (including but not limited to co-partnerships, trusts, joint tenancies, etc.).

K. In reporting interests in persons "whose principal business, in purpose or in fact, is the holding of stock in, or control of air carriers, other persons engaged in any phase of aeronautics, or common carriers," the reporting individual shall include all interests in any persons whose principal business, in purpose or in fact, is dealing in stocks of air carriers, other persons engaged in any phase of aeronautics, or common carriers.

L. In reporting the name of any corporation, the exact corporate name shall be used.

M. As used in this form:

(1) the term "interest" includes any type of security, including stocks, bonds, notes, debentures, evidence of indebtedness, or any options, warrants, or rights to subscribe to any stocks, as well as any other pecuniary or proprietary interest of any nature whatsoever. Each interest shall be fully and adequately described in each schedule.

(2) The term "person" has the meaning defined in the Civil Aeronautics Act of 1938 (any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.)

3. Unless the context otherwise requires, other words and phrases have the meaning defined in such Act.

N. All records of air carriers or of officers and directors of air carriers containing the information called for in the attached form of report shall be maintained by the reporting individual in such manner as to be readily accessible, and shall be made available to the Authority or its duly authorized representative upon request.

[Form of cover page]

REPORT OF OWNERSHIP OF STOCK AND OTHER
INTERESTS UNDER SECTION 407 (c) OF THE
CIVIL AERONAUTICS ACT OF 1938

BY

(Name of officer or director)

(Post office address)

(Title of position) (Name of air carrier)

(Title of position) (Name of air carrier)

TO THE

CIVIL AERONAUTICS AUTHORITY
WASHINGTON, D. C.

FOR THE PERIOD

Beginning _____ and ended _____

INFORMATION TO BE REPORTED

1. Name and address of reporting individual.
2. Name of air carrier or air carriers and title of position or positions held therein.
3. Occupation of reporting individual.
4. On separate sheets which shall be designated as Schedule A, B, C, and D, respectively, give the following information with respect to all shares of stock or other interests held by the reporting individual, beneficially or otherwise, directly or indirectly, (A) in any air carrier, (B) in any person engaged in any phase of aeronautics (C) in any common carrier, and (D) in any person whose principal business in purpose or in fact is the holding of stock in, or control of, air carriers, other persons engaged in any phase of aeronautics, or common carriers:

- (a) Correct name of person in which the interest is or was held;
- (b) Classes of stock or type and exact title of bond, note, or other interest;
- (c) Number of shares of each class of stock, or principal amount of bonds, notes, or other interests;
- (d) Par or stated value of stock;
- (e) Date of issue of bonds, notes, or interests other than stocks;
- (f) Date of maturity of bonds, notes or interests other than stocks;
- (g) Interest rate of bonds, notes or interests other than stocks;
- (h) Description of conversion rights, if any;
- (i) Description of voting rights, if any;
- (j) Date or dates of acquisition;
- (k) If disposed of, date or dates of disposition;
- (l) Names and addresses of any person by whom the interest is held for the reporting individual;
- (m) Names and addresses of any persons for whom the interest is held by the reporting individual;
- (n) If the interest is beneficially owned by the reporting individual together with other persons, the nature of the relationship (co-partnership, trust, etc.)

In the case of stock or other interests listed on nationally known exchanges, the information required by items (d) to (i) inclusive, need not be reported, but reference should be made to that fact and the name of the exchange given.

[Form of oath]

STATE OF _____
County of _____ ss:I, _____
(Name of affiant)(Title of position) (Name of air carrier)
and

(Title of position) (Name of air carrier)

do on my oath declare that the foregoing report, together with the sheets attached thereto marked _____

have been prepared by me, or at my direction and under my general supervision, from books and records and from such other sources of information as were necessary for complete and accurate preparation of such report; that I have carefully examined or caused to be examined each and every answer or statement herewith submitted; that, to the best of my knowledge, information and belief, all of said answers and statements are true and correct, and completely state all relevant and material facts now available from the aforesaid books, records, and other sources of information; that each and every question is fully and completely answered, except as otherwise described and explained, and that I, or others at my direction and under my general supervision, have made diligent efforts to obtain all facts necessary to make each and every answer full and complete.

Subscribed and sworn to before me, a _____ in and for the State and County above named, this _____ day of _____, 19____.

[SEAL] (Signature of officer authorized to administer oaths.)

My commission expires _____

[F.R. Doc. 39-3725; Filed, October 9, 1939; 10:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES
FEDERAL TRADE COMMISSION

[Docket No. 1442]

IN THE MATTER OF T. E. BROOKS &
COMPANY

§ 3.66 (a) *Misbranding or mislabeling—Composition:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) (1) *Using Misleading name—Goods—Composition:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* Using, in connection with offer, etc., in commerce, of cigars, the word "Havana" or any other word or words, terms or picturizations indicative of Cuban origin, or descriptive of Cuba, alone or in conjunction with any other word or words, to describe, designate, or in any way refer to cigars which are not made entirely from tobacco grown on the Island of Cuba, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified order to cease and desist, T. E. Brooks & Company, Docket 1442, September 28, 1939]

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF T. E. BROOKS, DOING
BUSINESS UNDER THE TRADE NAME AND
STYLE, T. E. BROOKS & COMPANY

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the motion of Richard P. Whiteley, Assistant Chief Counsel for the Commission, to modify the order to cease and desist heretofore issued in this proceeding on March 14, 1932, and the Commission having considered said motion and the record herein, and being now fully advised in the premises;

It is ordered, That the motion to modify the order to cease and desist, as issued herein on March 14, 1932, be, and the same hereby is, granted as prayed;

It is further ordered, That the order to cease and desist issued herein on March 14, 1932, be, and the same hereby is, modified so as to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the entire record, including the complaint of the Commission, and the answer of respondent thereto, the stipulation as to the facts agreed upon and approved; and the Commission having made its findings as to the facts with its conclusion that said respondent has been, and is, violating the provisions of Section 5 of the Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes";

It is now ordered, That respondent T. E. Brooks, doing business under the trade name and style, T. E. Brooks & Company, his agents, individual or corporate, representatives, servants, employees and successors in business, on and after two years and thirty days from August 10, 1939, in connection with the offering for sale, sale and distribution of cigars in commerce, as commerce is defined in the Federal Trade Commission Act, do cease and desist from:

(1) Using the word "Havana" or any other word or words, terms or picturizations indicative of Cuban origin, or descriptive of Cuba, alone or in conjunction with any other word or words to describe, designate, or in any way refer to cigars which are not made entirely from tobacco grown on the Island of Cuba.

It is further ordered, That within the period of two years and thirty days from August 10, 1939, the respondent T. E. Brooks, doing business under the trade name and style, T. E. Brooks & Company, be, and is hereby, directed and ordered to file with the Federal Trade Commission a report in writing setting forth with particularity the manner in which he has complied with the terms of this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3723; Filed, October 9, 1939; 10:55 a. m.]

[Docket No. 3543]

IN THE MATTER OF INTERNATIONAL UNIVERSITY OF COMMERCE ET AL.

§ 3.6 (a) (14) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as educational institution.* Representing, in connection with offer, etc., in commerce, of courses of instruction by correspondence in bookkeeping, accountancy, auditing, commercial law and business administration, through use of word "University", or any other word or words of similar import or meaning, in the name of the corporate respondent, or through any other means or device, or in any manner, that said respondents conduct a university or institution of higher learning, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, International University of Commerce et al., Docket 3543, September 29, 1939]

§ 3.69 (a) (3a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) (11) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.69 (a) (14) *Misrepresenting oneself and goods—Business status, advantages or connections—Size and equipment:* § 3.69 (a) (16) *Misrepresenting oneself and goods—Business status, advantages or connections—Unique status or advantages.* Representing, in connection with offer, etc., in commerce, of courses of instruction by correspondence in bookkeeping, accountancy, auditing, commercial law and business administration, that respondents maintain a faculty or have a staff of instructors or a staff of certified public accountants, or that their school is the largest of its kind in the United States, or that they are connected with a firm of accountants, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, International University of Commerce et al., Docket 3543, September 29, 1939]

§ 3.69 (b) (2) *Misrepresenting oneself and goods—Goods—Demand for or business opportunities:* § 3.69 (b) (7.0a) *Misrepresenting oneself and goods—Goods—Jobs and employment:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee.* Representing, in connection with offer, etc., in commerce, of courses of instruction by correspondence in bookkeeping, accountancy, auditing, commercial law and business administration, that the opportunities in the field of accountancy for students finishing the course of instruction offered by respondents are unlimited, or that respondents will procure employment for persons completing their course of instruction, prohibited.

(Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, International University of Commerce et al., Docket 3543, September 29, 1939]

§ 3.18 *Claiming indorsements or testimonials falsely:* § 3.48 (b) (7) *Disparaging competitors and their products—Goods—Quality:* § 3.69 (b) (2) *Misrepresenting oneself and goods—Goods—Competitive inferiority:* § 3.69 (b) (7) *Misrepresenting oneself and goods—Goods—Indorsements:* § 3.69 (b) (16a) *Misrepresenting oneself and goods—Goods—Success, use or standing:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers.* Representing, in connection with offer, etc., in commerce, of courses of instruction by correspondence in bookkeeping, accountancy, auditing, commercial law and business administration, that respondents' course is superior to those of competitors, or that the majority of those trained by respondents are holding responsible positions with some of the largest industrial units in the country, or that respondents' course of instruction is endorsed by Alfred P. Sloan, Jr., Walter P. Chrysler, or any other person, or that such employers have urged clerical employees to take advantage of respondents' course of instruction, unless and until such are the true facts, or that such course is offered only to a select group, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, International University of Commerce, et al., Docket 3543, September 29, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF INTERNATIONAL UNIVERSITY OF COMMERCE, AND PAUL V. MANNING, INDIVIDUALLY, AND AS PRESIDENT OF THE INTERNATIONAL UNIVERSITY OF COMMERCE

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before William C. Reeves, an examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, brief filed by attorney for the Commission (respondents not

having filed brief) and oral argument not having been requested, the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent International University of Commerce, whose name has been changed to International School of Commerce, its officers, representatives, agents and employees, and Paul V. Manning, individually and as president of said corporate respondent, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of instruction by correspondence in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

(a) Through the use of the word "University", or any other word or words of similar import or meaning, in the name of the corporate respondent, or through any other means or device, or in any manner, that said respondents conduct a university or institution of higher learning;

(b) That the respondents maintain a faculty or have a staff of instructors or a staff of certified public accountants;

(c) That the opportunities in the field of accountancy for students finishing the course of instruction offered by respondents are unlimited;

(d) That respondents' course is superior to those of competitors;

(e) That respondents' school is the largest of its kind in the United States;

(f) That the majority of those trained by respondents are holding responsible positions with some of the largest industrial units in the country;

(g) That respondents will procure employment for persons completing their course of instruction;

(h) That respondents' course of instruction is endorsed by Alfred P. Sloan, Jr., Walter P. Chrysler, or any other person, or that such employers have urged clerical employees to take advantage of respondents' course of instruction, unless and until such are the true facts;

(i) That respondents' course is offered only to a select group;

(j) That respondents are connected with a firm of accountants.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3724; Filed, October 9, 1939; 10:55 a. m.]

**TITLE 26—INTERNAL REVENUE
BUREAU OF INTERNAL REVENUE**

[T.D. 4951]

INCOME TAX

ARTICLE 112 (F)—1 OF REGULATIONS 86, 94, 101, AND 101 AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE, RELATING TO REINVESTMENT OF PROCEEDS OF INVOLUNTARY CONVERSIONS, AMENDED

To Collectors of Internal Revenue and Others Concerned:

PARAGRAPH A. Article 112 (f)—1 of Regulations 86, as amended by Treasury Decision 4698¹ (1936 XV-2 Cum. Bull. 159), article 112 (f)—1 of Regulations 94² [section 3.112 (f)—1, Title 26, Code of Federal Regulations], 101 [section 9.112 (f)—1 of such Title 26], and 101 as made applicable to the Internal Revenue Code by Treasury Decision 4885,³ approved February 11, 1939 [Part 465, Subpart B, of such Title 26], are each amended by substituting for the first sentence of the second paragraph thereof, reading as follows:

"If, in a condemnation proceeding, the Government retains out of the award sufficient funds to satisfy liens and mortgages against the property and itself pays the same, the amount so retained should be included in determining the amount of the net award."

the following sentence:

"If, in a condemnation proceeding, the Government retains out of the award sufficient funds to satisfy liens (other than liens due to special assessments levied against the remaining portion of the plot or parcel of real estate affected for benefits accruing in connection with the condemnation) and mortgages against the property and itself pays the same, the amount so retained shall not be deducted from the gross award in determining the amount of the net award."

PAR. B. The fifth paragraph of said article 112 (f)—1 of Regulations 86, as amended, 94, 101, and 101 as made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939, reading in part as follows:

"There is no investment in property similar in character and devoted to a similar use if—

"(4) An award for property taken for street widening is applied toward payment of special assessments for benefits accruing to the remaining property."

is amended by striking therefrom the clause designated (4), which reads as follows:

"(4) An award for property taken for street widening is applied toward pay-

ment of special assessments for benefits accruing to the remaining property."

(This Treasury Decision is prescribed pursuant to the provisions of section 602 of the Revenue Act of 1934 (48 Stat. 700; 26 U.S.C. 62), the Revenue Act of 1936 (49 Stat. 1673; 26 U.S.C., Sup. IV, 62), the Revenue Act of 1938 (52 Stat. 480; 26 U.S.C., Sup. IV, 62), and the Internal Revenue Code (53 Stat. Part 1).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 5, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3714; Filed, October 7, 1939;
9:29 a. m.]

**TITLE 31—MONEY AND FINANCE:
TREASURY**

PUBLIC DEBT SERVICE

[1939—Department Circular 621]

PARTIAL REDEMPTION, BEFORE MATURITY, OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B SECOND CALL

OCTOBER 6, 1939.

To Holders of 2¾ Percent Mutual Mortgage Insurance Fund Debentures, Series B:

I. NOTICE OF SECOND CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY, OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B

The Federal Housing Administrator, with the approval of the Secretary of the Treasury, has issued¹ the following notice of call for partial redemption and offer to purchase with respect to 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B:

"Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ per cent Mutual Mortgage Insurance Fund debentures, Series B, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1940, on which date interest on such debentures shall cease:

Denomination	Serial numbers (all numbers inclusive)	
	Regular series	Star series
\$50.....	107 to 247	
\$100.....	348 to 773	
\$500.....	154 to 476	14 and 15
\$1,000.....	501 to 1,042	
\$5,000.....	21 to 64	3
\$10,000.....	5 to 8	

"The debentures first issued, as determined by the serial numbers, were selected for redemption by the Federal

¹ 4 F.R. 4129 DI.

Housing Administrator, with the approval of the Secretary of the Treasury.

"No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1939. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1939, and provision will be made for the payment of final interest due January 1, 1940, with the principal thereof to the actual owner, as shown by the assignments thereon.

"The Federal Housing Administrator hereby offers to purchase any called debentures at any time from October 1, to January 1, 1940, inclusive, at par and accrued interest, to date of purchase.

"Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1940, or for purchase prior to that date will be given by the Secretary of the Treasury."

II. TRANSACTIONS IN SECOND-CALLED DEBENTURES

1. The debentures included in the foregoing notice of call for partial redemption on January 1, 1940, are hereby designated *second-called* 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, and are hereinafter referred to as *second-called* debentures.

2. Transfers and denominational exchanges in *second-called* debentures terminated at the close of business on September 30, 1939.

III. REDEMPTION OR PURCHASE

1. Holders of *second-called* debentures will be entitled to have such debentures redeemed and paid at par on January 1, 1940, with interest in full to that date, at the rate of \$13.75 per \$1,000. Interest on *second-called* debentures will cease on January 1, 1940.

2. Holders of *second-called* debentures have the privilege of presenting such debentures at any time prior to January 1, 1940, for purchase at par and accrued interest, at the rate of \$.074728 per \$1,000 per day from July 1, 1939, to date of purchase.

IV. RULES AND REGULATIONS GOVERNING REDEMPTION AND PURCHASE

1. The United States Treasury Department is the agent of the Federal Housing Administrator for the redemption and purchase of *second-called* debentures. In accordance with regulations adopted by the Federal Housing Administrator and approved by the Secretary of the Treasury, the assignment, redemption, and purchase of *second-called* debentures will be governed by the general regulations of the Treasury Department with respect to United States bonds and notes, so far as applicable, except as otherwise provided herein.

2. *Second-called* debentures presented for redemption on January 1, 1940, or

¹ 1 F.R. 1478.

² 1 F.R. 1878.

³ 4 F.R. 879 DI.

for purchase prior to that date, must be assigned by the registered payees or assignees thereof or by their duly constituted representatives in the form indicated in paragraph 3 hereof, and should thereafter be presented and surrendered to any Federal Reserve bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., accompanied by appropriate written advice. (Use Form P.D. 1632 attached hereto.) The debentures must be delivered at the expense and risk of the holders. (See paragraph 8 of this section.) In all cases checks in payment of principal and final interest will be mailed to the address given in the form of advice accompanying the debentures when surrendered.

3. If the registered payee or an assignee holding under proper assignment from the registered payee desires that payment be made to him, the debentures should be assigned by such payee or assignee or by a duly constituted representative to "The Federal Housing Administrator for redemption" or to "The Federal Housing Administrator for purchase", according to whether the debentures are to be presented for redemption on January 1, 1940, or for purchase prior to that date. If it is desired for any reason that payment be made to some other person without intermediate assignment, the debentures should be assigned to "The Federal Housing Administrator for redemption (or purchase) for the account of -----", inserting the name and address of the person to whom payment is to be made.

4. An assignment in blank or other assignment having similar effect will be recognized, but in that event payment will be made to the person surrendering the debenture for redemption or purchase since, under such an assignment, the debenture becomes in effect payable to bearer. Assignments in blank or assignments having similar effect should be avoided, if possible, in order not to lose the protection afforded by registration.

5. Final interest on any *second-called* debentures, whether purchased prior to, or redeemed on or after January 1, 1940, will be paid with the principal in accordance with the assignments on the debentures surrendered.

6. All assignments must be made on the debentures themselves unless otherwise directed by the Treasury Department. Detached assignments will be recognized and accepted in any particular case in which the use of detached assignments is specifically authorized by the Treasury Department. Any assignment not made upon the debenture is considered a detached assignment.

7. A *second-called* debenture registered in the name of, or assigned to, a corporation, will be paid to such corporation on or after January 1, 1940, upon an appropriate assignment for that purpose executed on behalf of the corporation by a

duly authorized officer thereof. An assignment so executed and duly attested in accordance with Treasury Department regulations will ordinarily be accepted without proof of the officer's authority. In all cases coming under this provision payment will be made only by check drawn to the order of the corporation. Proof of the authority of the officer assigning on behalf of a corporation will be required, in accordance with the general regulations of the Treasury Department, in the case of assignments for purchase prior to January 1, 1940, and in case of assignments for redemption on or after January 1, 1940, for the account of any person other than the corporation.

8. Debentures presented for redemption or purchase under this circular must be delivered to a Federal Reserve bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., at the expense and risk of the holder. Debentures bearing restricted assignments may be forwarded by registered mail, but debentures bearing unrestricted assignments should be forwarded by registered mail insured or by express.

9. In order to facilitate the redemption of *second-called* debentures on January 1, 1940, any such debentures may be presented and surrendered in the manner herein prescribed in advance of that date but not before December 1, 1939. Such early presentation by holders will insure prompt payment of principal and interest when due.

V. GENERAL PROVISIONS

1. Any further information which may be desired regarding the redemption of *second-called* debentures under this circular may be obtained from any Federal Reserve bank or from the Division of Loans and Currency, Treasury Department, Washington, D. C., where copies of the Treasury Department's regulations governing assignments may be obtained.

2. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to perform any necessary acts under this circular. The Secretary of the Treasury may at any time or from time to time prescribe supplemental and amendatory rules and regulations governing the matters covered by this circular, which will be communicated promptly to the registered owners of *second-called* debentures.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

Treasury Department
Public Debt Service
Form PD 1632

FORM OF ADVICE TO ACCOMPANY SECOND-CALLED
2½ PERCENT MUTUAL MORTGAGE INSURANCE
FUND DEBENTURES, SERIES B, PRESENTED FOR
REDEMPTION ON JANUARY 1, 1940, OR FOR
PURCHASE PRIOR TO THAT DATE

To the Federal Reserve Bank of -----
or Treasury Department, Division of Loans
and Currency, Washington, D. C.:

Pursuant to the provisions of Treasury Department Circular No. 621, dated October 6,

1939, the undersigned presents and surrenders herewith for

(Indicate whether for immediate purchase or for redemption on January 1, 1940)

\$ -----, face amount of *second-called* 2½ percent Mutual Mortgage Insurance Fund debentures, Series B, registered in the name of ----- and duly assigned to "The Federal Housing Administrator for -----", as follows:

Number of debentures	Denomination	Serial numbers of debentures	Face amount
-----	\$50	-----	\$-----
-----	100	-----	-----
-----	500	-----	-----
-----	1,000	-----	-----
-----	5,000	-----	-----
-----	10,000	-----	-----
Total	-----	-----	-----

and requests that remittance covering payment therefor be forwarded to the undersigned at the address indicated below.

Signature -----
Name (please print) -----
Address in full -----
Date -----

¹ Debentures presented for immediate purchase should be assigned to "The Federal Housing Administrator for purchase"; debentures presented for redemption on January 1, 1940, should be assigned to "The Federal Housing Administrator for redemption".

[F. R. Doc. 39-3721; Filed, October 7, 1939; 12:48 p. m.]

TITLE 43—PUBLIC LANDS BUREAU OF RECLAMATION

[No. 27]

SUN RIVER IRRIGATION PROJECT, MONTANA, GREENFIELDS DIVISION, PART TWO

PUBLIC NOTICE OPENING PUBLIC LANDS TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS

Correction

F. R. Doc. 39-3616 (filed, September 30, 1939, at 9:16 a. m.), which appears on Page 4121 of the issue for October 3, 1939, should be corrected as follows:

The word "which" in the tenth line of the third column should read "shown".

"NW¼" which appears in the table opposite T. 22, R. 1 W., Sec. 27, Farm Unit A, should read "NE¼".

DIVISION OF GRAZING

AMENDMENT OF THE FEDERAL RANGE CODE CONTAINING THE RULES FOR THE ADMINISTRATION OF GRAZING DISTRICTS UNDER THE TAYLOR GRAZING ACT, AS AMENDED¹

Pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and the act

¹ This document corrects the one appearing at page 4017 of the September 22 issue of the FEDERAL REGISTER.

of July 14, 1939, (Pub. No. 173, 76th Cong.), paragraphs a, c, d, and g of section 12 of the Federal Range Code, revised to August 31, 1938 (43 CFR, Sec. 501.12, a, c, d, and g) are amended to read as follows:

Section 12, Paragraph a. *Authorization for establishment; number of members; qualifications.* The Taylor Grazing Act provides that there shall be an advisory board of local stockmen in each grazing district. The regional grazer shall fix the number of members to be elected to such board in each district, such number to be not less than five and not more than twelve, exclusive of a wildlife representative who will not be elective but will be appointed by the Secretary of the Interior. The regional grazer may fix the number of district advisors to be elected as representatives of each class of stockmen, according to the kind of livestock owned, or may fix the number to be elected from each voting precinct established by him, or both: *Provided*, That the free-use licensees or permittees in each district will be entitled to one representative, who shall be a free-use licensee or permittee. All district advisors shall be elected in the manner herein provided and, excepting the wildlife representatives, shall be electors qualified to vote in the particular election. If a district is divided into precincts, an advisor representing a precinct shall qualify in the precinct in the same manner as in the district.

Section 12, Paragraph c. *Elections; qualifications of electors.* Only those persons who are qualified to receive regular, free-use, or nonuse licenses or permits will be allowed to vote in any election held pursuant to the act of July 14, 1939; *Provided*, That in any new grazing district hereinafter established and embracing areas not theretofore within any district, the electors will be those stockmen who, prior to the establishment of the district, were regularly accustomed to using the Federal range within said district. A minor may vote if otherwise qualified; *Provided*, That upon request by his natural or legal guardian his ballot may be cast by the guardian in the name of the minor. The judges at any election will be furnished by the representative of the Division of Grazing in charge with a list of all electors entitled to vote in the district. No one whose name does not appear on such list shall be allowed to vote; *Provided*, That anyone claiming that his name has been erroneously omitted from the list may obtain and mark a ballot which will be held uncounted until the regional grazer shall have had a further opportunity to determine whether or not the party was entitled to vote. If it is found that the party was entitled to vote, his ballot shall be counted, otherwise it shall be disregarded.

Section 12, Paragraph d. *Elections—judges; nominations; ballots; registration; challenges.* The representative of

the Division of Grazing in charge of an election will choose three qualified electors to act as election judges. The electors present may then place in nomination the names of candidates, but ballots may be cast for any other person qualified to represent a particular class or precinct. Voting shall be only by ballots cast personally by qualified electors and proxies will not be recognized. Except as provided in paragraph c of this section, no elector shall receive a ballot until he has registered by signing opposite his name on the list of persons entitled to vote. Before receiving a ballot any elector may be challenged by any other elector qualified to vote in the district and thereupon the judges, or any of them, may require the elector challenged to answer such questions concerning his qualifications as a voter as may be deemed necessary. Upon his failure or refusal to answer such questions satisfactorily, he shall not be permitted to register or to receive a ballot. Each candidate may designate any qualified elector to remain within the polling places during the casting and counting of votes and the declaration of the results thereof, and such person may act as a challenger. Before any elector shall be permitted to deposit his completed ballot in the ballot box, the judges shall write "Voted" opposite his signature on the registration list.

Section 12, Paragraph g. *Appointment by Secretary of the Interior; oath and term of office; removal; vacancies.* No person elected as a district advisor may assume office until he has been appointed by the Secretary of the Interior and has taken an oath of office. Persons elected as district advisors at the first election after the establishment of a grazing district or after July 14, 1939, shall be divided as evenly as may be into three classes by lot by the regional grazer. Those in class 1 shall hold office for one year, those in class 2 for two years and those in class 3 for three years, and until their successors are elected and have qualified. Thereafter at each election the class whose term has expired shall be elected for a term of three years. The Secretary of the Interior may remove any district advisor from office for failure to discharge his duties or for the good of the service. Upon a vacancy occurring in the office of a district advisor other than a wildlife representative by reason of resignation, removal or otherwise, the board shall recommend the name of a person to fill the vacancy and such recommendation, together with that of the regional grazer, shall be transmitted to the Director, who shall consider the recommendation and, if he concurs, transmit it to the Secretary for his consideration. A person appointed by the Secretary to fill a vacancy shall hold office until the next regular election, when a successor shall be elected to serve for the remainder of the unexpired term, if any, of the member causing the vacancy. Wildlife representatives shall hold office

without term and until a successor may be appointed by the Secretary.

E. V. KAVANAGH,
Acting Director of Grazing.

Approved, September 18, 1939.

H. L. I.

Secretary of the Interior.

[F. R. Doc. 39-3717; Filed, October 7, 1939; 11:01 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

RAILWAY LESS-THAN-CARLOAD FREIGHT TRAFFIC

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 4th day of October, 1939.

In the Matter of Railway Less-than-carload Freight Traffic for the test period October 1st to 7th, inclusive, of the year 1939—special report to be furnished by Class I steam railways showing the total amount of such traffic forwarded from all stations on their lines, as prescribed by our order of September 12, 1939:¹

It is ordered, That each Class I steam railway which serves any city listed on page 2 of the supplementary report form which is hereby approved and made a part of this order,² shall furnish a separate report on that form for each of those cities where it terminated less-than-carload freight during the period October 1st to 7th, inclusive, of the year 1939.

It is further ordered, That the supplementary reports shall be filed in duplicate in the office of the Secretary, Interstate Commerce Commission, Washington, D. C., on or before October 25, 1939.

By the Commission, division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 39-3732; Filed, October 9, 1939; 12:32 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 393]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 27, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the

¹ 4 F.R. 3903 DI.

² Filed as a part of the original document; requests for copies should be addressed to the Interstate Commerce Commission.

projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Georgia 0067D1 Bacon	\$194,000
Georgia 0075B1 Lamar	166,000
Georgia 0077B1 Forsyth	144,000
Idaho 0016A1 Cassia	111,000
Illinois 0021F1 Menard	105,000
Iowa 0007B1 Marshall	198,000
Kansas 0026B1 Coffey	102,000
Kentucky 0049B1 Clark	80,000
Kentucky 0052C1 Fleming	188,000
Missouri 0030D1 Lawrence	59,000
Missouri 0045A1 Osage	249,000
Missouri 0053A1 Polk	319,000
Montana 0009D1 Yellowstone	74,500
North Dakota 0015A1 Trall	229,000
Oklahoma 0002E1 Kay	62,000
Pennsylvania 0012B2 Sullivan	14,000
South Dakota 0009A1 Moody	132,000
Texas 0055B1 Floyd	64,000
Texas 0056D1 Lubbock	152,000
Texas 0093B1 DeWitt	54,000
Virginia 0022F1 Caroline	79,000
Virginia 0030C1 Bath	89,000
Virginia 0036A1 Prince George	135,000
Washington 0027B1 Lewis District Public	250,000
Washington 0030A1 Stevens	326,000
Washington 0035A1 Pend Oreille	194,000
Wisconsin 0009B1 Bangor Public	32,000
Wisconsin 0027C1 Buffalo	139,000
Wisconsin 0037C1 Trempealeau	73,000
Wisconsin 0040D1 Barron	207,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-3715; Filed, October 7, 1939;
9:48 a. m.]

[Administrative Order No. 394]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 27, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Arizona 0014W1 Cochise	\$5,000
Alabama 0028W1 Chambers	5,000
Arkansas 0027W1 Ouachita	3,500
Colorado 0022W1 Boulder	5,000
Colorado 0029W1 Phillips	3,500
Florida 0015W1 Lafayette	5,000
Georgia 0091W1 Laurens	5,000
Illinois 0018W2 Pike	4,000
Illinois 0040W1 Macoupin	5,000
Illinois 0044W1 Carroll	5,000
Indiana 0026W1 Daviess	3,000
Kansas 0028W1 Norton	2,500
Kansas 0032W1 Reno	5,000
Kentucky 0031W2 Union	4,000
Kentucky 0054W1 Wayne	5,000
Louisiana 0011W1 Bossier	5,000
Minnesota 0012W1 St. Louis	5,000
Minnesota 0080W1 Lincoln	5,000
Minnesota 0082W1 Becker	5,000
Missouri 0047W1 Cooper	5,000
Missouri 0048W1 Newton	5,000
Montana 0017W1 Rosebud	3,500
North Carolina 0038W2 Carteret	2,000
North Carolina 0043W1 Jones	5,000
North Dakota 0012W1 Walsh	5,000
North Dakota 0017W1 McHenry	3,000
Ohio 0065W2 Fairfield	2,000
Oklahoma 0018W1 Beckham	5,000
Oklahoma 0020W1 Garvin	3,000
Oklahoma 0021W1 Washita	5,000
Oklahoma 0023W1 Okmulgee	5,000
Oregon 0004W1 Lincoln	5,000
Pennsylvania 0015W2 Bradford	4,000
Pennsylvania 0024W1 Bedford	5,000
South Carolina 0021W1 Lancaster	5,000

Project designation	Amount
South Carolina 0022W1 Fairfield	3,500
South Carolina 0023W1 Dorchester	5,000
South Carolina 0024W1 Marion	3,500
South Dakota 0010W1 Minnehaha	5,000
South Dakota 0011W1 Pennington	4,000
Texas 0102W1 Jackson	4,500
Vermont 0008W1 Washington	2,500
Wyoming 0009W1 Uinta	4,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-3716; Filed, October 7, 1939;
9:48 a. m.]

DEPARTMENT OF LABOR.

Children's Bureau.

NOTICE OF HEARING ON PROPOSED FINDING AND ORDER RELATING TO THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE AS MOTOR-VEHICLE DRIVER OR HELPER UNDER THE FAIR LABOR STANDARDS ACT OF 1938

OCTOBER 6, 1939.

Whereas, section 12 (a) of the Fair Labor Standards Act of 1938 (Act of June 25, 1938, chapter 676, 52 Stat. 1060, U. S. Code, Supp. IV, title 29, section 201) prohibits the shipment or delivery for shipment of goods in commerce, as defined in the Act, which are produced in establishments situated in the United States in or about which within 30 days prior to the removal of such goods therefrom any oppressive child labor has been employed; and

Whereas, section 3 (1) of the said Act, which defines oppressive child labor, provides in part as follows:

(1) "Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer . . . in any occupation, or (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Chief of the Children's Bureau in the Department of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being; * * *

and

Whereas, the Chief of the Children's Bureau issued on November 3, 1938, a regulation prescribing the "Procedure Governing Determinations of Hazardous Occupations;"¹ and

Whereas, pursuant to the said regulation, an investigation has been conducted with respect to the hazardous nature of driving motor vehicles and of serving as helpers on such vehicles with special reference to the employment of minors between 16 and 18 years of age; and

WHEREAS, a report of the investigation has been submitted to the Chief of the Children's Bureau and is available for public inspection; and

WHEREAS, a finding and order relating to the occupations of motor-vehicle

driver and helper has been proposed for final adoption by the Chief of the Children's Bureau under the authority of section 3 (1) of the said Act.

Now, therefore, notice is hereby given of a public hearing to be held on October 27, 1939, commencing at 10 o'clock a. m. in Room 3229, U. S. Department of Labor Building, Fourteenth Street and Constitution Avenue, Washington, D. C., before a presiding officer to be designated hereafter, at which interested parties will be given opportunity to appear and to be heard with respect to the said report and proposed finding and order. All parties desiring to appear at the hearing are requested to notify the Children's Bureau at least 5 days prior to the date fixed for hearing.

Copies of the said report and proposed finding and order are available to the public at the office of the Children's Bureau, United States Department of Labor, Washington, D. C.

Proposed Finding and Order

TITLE 29—LABOR

CHILDREN'S BUREAU

CHILD LABOR

PART 422. OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

§ 422.2 Motor-vehicle driver and helper—(a) Finding of fact. By virtue of and pursuant to the authority conferred by section 3 (1) of the Fair Labor Standards Act of 1938¹ and pursuant to the regulation prescribing the "Procedure Governing Determinations of Hazardous Occupations;"² an investigation having been conducted with respect to the hazards for minors between 16 and 18 years of age of employment in the occupations of motor-vehicle driver and helper; a report of the investigation having been submitted to the Chief of the Children's Bureau showing that:

"1. Work on motor vehicles involves a high degree of accident risk for persons of all ages, a risk which is particularly high in the case of young persons, who are lacking in the experience and in the caution required for safety in motor-vehicle operation.

"2. Workmen's compensation experience generally shows for the occupational classifications representing motor-vehicle drivers and helpers a compensation cost higher than the average for manufacturing classifications.

"3. The opinion of experts in motor-vehicle safety and of others having practical experience in the field of motor-vehicle operation who were consulted in the course of the investigation is that employment as driver or as helper on

¹Act of June 25, 1938, chapter 676, 52 Stat. 1060, U. S. C., Supp. IV, title 29, section 201.

²Published in 3 F. R. 2640 DI, under the heading "Title 29—Labor, Chapter IV.—Children's Bureau—Child Labor—Part 421, Procedure Governing Determinations of Hazardous Occupations."

²Issued November 3, 1938, pursuant to authority conferred by section 3 (1) of the Fair Labor Standards Act of 1938, published in 3 F. R. 2640 DI, November 5, 1938.

motor vehicles is especially hazardous for young persons.

"4. Motor-vehicle drivers between 16 and 18 years of age have been found to be involved in a larger number of fatal accidents in proportion to miles driven than drivers in any older age group. In a study covering fatal accidents within a 5-year period in one State the fatal-accident rate was found to be nine times greater for 16-year-old drivers and six times greater for 17-year-old drivers than for those 45 to 50 years of age, the age group with the lowest fatal-accident rate.

"5. Under many industry codes adopted pursuant to the National Industrial Recovery Act the work of motor-vehicle drivers and helpers was listed as a hazardous occupation and as such was prohibited for minors under 18 years of age.

"6. Acting pursuant to the authority conferred upon it by the Motor Carrier Act of 1935, the Interstate Commerce Commission has established as necessary for safety a minimum age of 21 years for motor-vehicle drivers, in regulations applicable to common carriers and contract carriers engaged in interstate commerce. An examiner for the Commission has recommended, after investigation and public hearing, that the same minimum age for motor-vehicle drivers be applied, with certain exceptions not here material, to private carriers engaged in interstate commerce.

"7. State legislation, which reflects public recognition of the special hazards incident to the driving of motor vehicles by young persons, has established the following standards:

(a) In each of the States and the District of Columbia there is a legal minimum age for drivers of motor vehicles which is higher than that for general employment, the legal minimum age for drivers being applicable to (1) all persons operating motor vehicles, or (2) persons operating motor vehicles as employees, or (3) persons operating motor vehicles for common, contract, or private carriers.

(b) In 28 States and the District of Columbia there is a minimum age of at least 18 years applicable to (1) all persons operating motor vehicles or (2) persons operating motor vehicles as employees.

"8. A minimum age of 18 years or higher for the employment of motor-vehicle drivers and helpers has been adopted voluntarily as a general policy by many employers and by the branch of organized labor especially concerned with employment in this field."

Now, therefore, I, Katharine F. Lenroot, Chief of the Children's Bureau of the United States Department of Labor, hereby find that the occupations of motor-vehicle driver and helper are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) *Order.* Accordingly, I hereby declare that the occupations of motor-vehicle driver and helper are particularly hazardous for the employment of minors between 16 and 18 years of age.

Definitions. For the purpose of this order—

(1) The term "motor vehicle" shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

(2) The term "driver" shall mean any individual who, in the course of his employment, drives a motor vehicle at any time.

(3) The term "helper" shall mean any individual, other than a driver, whose work in connection with the transportation or delivery of goods includes riding on a motor vehicle.

This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein. This order shall become effective on January 1, 1940, and shall be in force and effect until amended or repealed by order hereafter made and published by the Chief of the Children's Bureau.

KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 39-3722; Filed, October 9, 1939;
9:48 a. m.]

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION DENYING APPLICATION FOR PARTIAL EXEMPTION OF THE WESTERN PINE INDUSTRY AS A SEASONAL INDUSTRY

Whereas, application has been made by the Western Pine Association under Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations applicable to Industries of a Seasonal Nature), issued by the Administrator thereunder, for partial exemption of the Western Pine industry from the maximum hours provisions of Section 7 (a) of said Act pursuant to Section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas, a public hearing¹ on said application was held before Harold Stein, the representative of the Administrator of the Wage and Hour Division, duly authorized to hear and determine whether or not the Western Pine industry or any branch thereof is of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder; and

¹ 4 FR. 2384 DI.

Whereas, following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

1. The Western Pine industry, as defined in the Notice of Hearing, includes the major operations of logging, sawmilling, and shipping, together with ancillary operations.

2. If it is assumed that logging, sawmilling and shipping appropriately constitute separate branches of the Western Pine industry:

(a) Some units in each of these three branches cease operation annually for three months or more primarily because the materials used are not available on account of climatic and other natural factors.

(b) The volume of production and employment of such units is substantial in logging and sawmilling but is not substantial in shipping.

(c) There is no substantial sub-branch of the shipping branch of the industry that ceases operation annually for three months or more.

(d) Data in the record on which any such sub-branch of logging and sawmilling might be defined are limited to data distinguishing between groups of units operating more than nine months and less than nine months respectively.

(e) Any sub-branches of logging and sawmilling that operate annually for as long as (even though not in excess of) nine months can not be found to be of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of Regulations issued thereunder.

(f) No criteria exist in the record on which it can be found that there are sub-branches of any logging or sawmill branches of the Western Pine industry whose operations are limited to a period in such relation to the fourteen workweek exemption period provided by Section 7 (b) (3) of the Act as to justify a finding that any such sub-branch is of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder.

3. If it is assumed that logging, sawmilling, and shipping do not constitute separate branches but together constitute a single industry:

(a) Such industry as a whole does not at any time cease operation.

(b) No group of plants with any substantial output ceases production for even three months during the year.

(c) The group of plants which may cease production for even three months during the year do not have a sufficiently substantial output to constitute a branch of an industry.

and on the basis thereof denied the applications; and

Whereas, said Findings and Determination were duly filed with the Administrator on October 5, 1939, and are now on file in his Office, Room 5144, Department of Labor Building, Washington, D.

C., and available for examination by all interested parties:

Now, therefore, pursuant to the provisions of Section 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the *FEDERAL REGISTER*, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 5th day of October 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-3727; Filed, October 9, 1939;
11:34 a. m.]

APPLICATION OF THE POSTAL TELEGRAPH LANDLINE SYSTEM AND SUNDRY OTHER PARTIES FOR PERMISSION TO EMPLOY MESSENGERS AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM WAGE SPECI- FIED

NOTICE OF HEARING

Whereas application has been made by the Postal Telegraph Landline System and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 523—Regulations Applicable to the Employment of Messengers pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, chapter 5, Wage and Hour Division) issued by the Administrator thereunder for permission to employ messengers at wages less than the applicable minimum wage specified in Section 6 of the Act;

Now, therefore, pursuant to the Act and the regulations, notice is hereby given of a public hearing to be held on said application in Room 208, 939 D Street, N. W., Washington, D. C., to commence at 10:00 a. m., on October 25, 1939, to take testimony for the purpose of determining whether it is necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers (employed exclusively in delivering letters and messages) in the landline telegraph industry at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and, if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of messengers in the landline telegraph industry shall be permitted, and with what limitations as to time, number, proportion and length of service. The hearing is not limited to petitioner, Postal Telegraph Landline System, but will cover the entire landline telegraph industry.

At this hearing, opportunity will be afforded to any interested person to present evidence relevant to the foregoing inquiry, provided such person files with

Mr. Merle D. Vincent, Chief of the Hearings and Exemptions Section of the Wage and Hour Division, by noon October 24, 1939, a notice of intention to appear containing the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) Whether he is appearing in support of or in opposition to the application for exemption.

(4) The approximate length of time which his presentation will consume.

Pursuant to authority vested in the Administrator by the Fair Labor Standards Act of 1938, Mr. Merle D. Vincent is hereby designated as presiding officer to conduct the said hearing and to determine whether it is necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers (employed exclusively in delivering letters and messages) at wage rates lower than the minimum wage applicable under Section 6 of said Act, and if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of messengers shall be permitted, and with what limitations as to time, number, proportion, and length of service.

Signed at Washington, D. C., this 9th day of October 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-3733; Filed, October 9, 1939;
12:55 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 245]

IN THE MATTER OF THE APPLICATION OF
PENNSYLVANIA CENTRAL AIRLINES CORP.
FOR A CERTIFICATE OF PUBLIC CONVENI-
ENCE AND NECESSITY UNDER SECTION 401
(B) OF THE CIVIL AERONAUTICS ACT OF
1938

NOTICE OF POSTPONEMENT OF HEARING

Upon request of the applicant, hearing on the above-entitled proceeding, being the application of Pennsylvania Central Airlines Corp. for a certificate of public convenience and necessity authorizing air transportation between Knoxville, Tenn., Asheville, N. C., Hickory, N. C., Winston-Salem, N. C., Greensboro, N. C., Raleigh, N. C., Rocky Mount, N. C., Elizabeth City, N. C., and Norfolk, Va., now assigned for November 13, 1939,¹ is hereby postponed to December 11, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Mayflower Hotel, Connecticut Avenue and DeSales Street, N.W., Washington, D. C., before an examiner of the Authority.

¹ 4 F. R. 4009 DI.

Dated Washington, D. C., October 6, 1939.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3726; Filed, October 9, 1939;
10:56 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5585]

IN THE MATTER OF MISSISSIPPI POWER
COMPANY

NOTICE OF APPLICATION

OCTOBER 7, 1939.

Notice is hereby given that on October 7, 1939, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Mississippi Power Company, a corporation organized under the laws of the State of Maine and doing business in the State of Mississippi with its principal office in Gulfport, Mississippi, seeking an order authorizing the sale and transfer to the Tennessee Valley Authority, a corporation created and now existing under and by virtue of the Tennessee Valley Authority Act of 1933 as amended; the 4-County Electric Power Association, a non-profit membership corporation of the State of Mississippi; the Pontotoc Electric Power Association, a non-profit membership corporation of the State of Mississippi; The City of Louisville, The City of Okolona, and The City of Philadelphia, municipal corporations of the State of Mississippi (hereinafter referred to as the "purchasers"), of such part of applicant's electric facilities as are located in Calhoun, Chickasaw, Monroe, Webster, Clay, Choctaw, Oktibbeha, Lowndes, Winston and Noxubee Counties and certain of its electric facilities in Neshoba and Kemper Counties, except its electric distribution facilities in the municipalities of Starkville, Aberdeen, Columbus and Macon and extensions therefrom, under and in accordance with the terms of an acquisition contract between the applicant and the purchasers. By the terms of said contract applicant proposes to sell the electric distribution facilities in Starkville, Aberdeen, Columbus and Macon to said municipalities if it can agree with such municipalities upon reasonable prices, and if applicant is unable to agree with such municipalities, it will dismantle said properties. The consideration for the proposed sale, the application states, will aggregate \$2,000,000; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 23rd day of October, 1939, file with the Federal Power Commission a petition or

protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-3728; Filed, October 9, 1939;
11:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of October 1939.

IN THE MATTER OF 11 WEST 42ND STREET, INC., 1ST MORTGAGE LEASEHOLD 6½% SINKING FUND GOLD BONDS (STAMPED PURSUANT TO PLAN DATED JUNE 1, 1938)

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Real Estate Securities Exchange, Inc. in the 6½% 1st Mortgage Leasehold Sinking Fund Gold Bonds (Stamped 4% to May 1, 1938), of 11 West 42nd Street, Inc., having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent

to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

It is ordered, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3719; Filed, October 7, 1939;
11:25 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of October, A. D. 1939.

[File No. 56-40]

IN THE MATTER OF INDIANA & MICHIGAN ELECTRIC COMPANY AND AMERICAN GAS & ELECTRIC COMPANY

ORDER DESIGNATING NEW TRIAL EXAMINER AND SETTING MATTER FOR FURTHER HEARING

Indiana & Michigan Electric Company having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 covering the issue and sale of certain securities; the matter having been duly set for hearing, and a hearing having been held thereon on June 16, 1939 at the offices of the

Commission in Washington, D. C. and continued, on the said date, subject to the call of the Trial Examiner; an order thereafter having been issued by the Commission exempting the issue and sale of the said securities from the provisions of Section 6 (a) of the Act and reserving jurisdiction to determine, at a later date, whether the fees paid to attorneys representing said Indiana & Michigan Electric Company and the insurance companies purchasing certain of said securities, and of the First Boston Corporation, in connection with the said transaction, are or are not reasonable;

The Commission being of the opinion that a further hearing should be held at its offices in the City of New York with respect to the reasonableness of the legal fees charged by Simpson, Thatcher & Bartlett and Sullivan & Cromwell, and the Trial Examiner who presided at the said original hearing not being available to preside at the said further hearing;

It is ordered, That a further hearing be held at the offices of the Securities and Exchange Commission in Room 2031, 120 Broadway, in the City of New York, beginning October 13, 1939 at ten in the forenoon, and that Adrian C. Humphreys, an officer of the Commission be, and hereby is, designated to preside at such continued hearing in the place and stead and with the same powers and duties as the Trial Examiner heretofore designated to preside in these proceedings.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3718; Filed, October 7, 1939;
11:25 a. m.]